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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 15th July, 1965/Asadha 24, 1887 (Saka)

THE LACCADIVE, MINICOY AND AMINDIVI ISLANDS LAND REVENUE AND TENANCY REGULATION, 1965

No. 6 OF 1965

Promulgated by the President in the Sixteenth Year of the Republic of India.

A Regulation to provide for the settlement and assessment of land revenue, rights and liabilities of holders of land and other matters relating to land in the Union territory of the Laccadive, Minicoy and Amindivi Islands.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Regulation may be called the Laccadive, Minicoy and Amindivi Islands Land Revenue and Tenancy Regulation, 1965.

(*2*) It extends to the whole of the Union territory of the Laccadive, Minicoy and Amindivi Islands.

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(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different areas and for different provisions of this Regulation and any reference in any such provision to the commencement of this Regulation shall be construed as a reference to the coming into force of that provision in the area where it has been brought into force.

Definitions.

2. In this Regulation, unless the context otherwise requires,—

(*a*) "Administrator" means the Administrator of the Union territory of the Laccadive, Minicoy and Amindivi Islands;

(*b*) "agriculture" includes—

(*i*) horticulture;

(*ii*) raising of annual or periodical crops or garden produce;

(*iii*) growing of betel leaves;

(*iv*) dairy farming;

(*v*) poultry farming;

(*vi*) stock breeding; and

(*vii*) pisciculture;

(*c*) "Collector" means the Collector of the district and includes any officer appointed by the Administrator to exercise and perform all or any of the powers and functions of a Collector under this Regulation;

(*d*) "competent authority", in relation to any provision, means any officer appointed by the Administrator to be the competent authority for the purpose of that provision;

(*e*) "cowledar" means a person who has been or is granted a lease of pandaram land on rent for a specified period, one of the conditions of such lease being that he makes improvements thereto;

(*f*) "Government" means the Central Government;

(*g*) "holding" means a parcel of land held by a land holder;

(*h*) "improvement", in relation to any land, means any work which materially adds to the value of the land and which is suitable to the land and consistent with the character thereof and includes—

(*i*) the planting of coconut or other trees;

(*ii*) the construction of works for the drainage of land or for the protection of land from floods or from erosion or from other damage by water;

(*iii*) the reclaiming, clearing, enclosing, levelling or terracing of land used for agricultural purposes;

(*iv*) the erection on land or in the immediate vicinity thereof of a building or house for the occupation of the tenant, his family and servants or of a cattle shed, of a storehouse or of other construction for agricultural purposes or of any building required for the convenient or profitable use or occupation of the land; and

(*v*) the renewal or reconstruction of any of the foregoing works or such alterations therein or additions thereto as are not of the nature of ordinary repairs;

(*i*) "Islands" means the Union territory of the Laccadive, Minicoy and Amindivi Islands;

(*j*) "jenmam land" means land other than pandaram land over which a person has proprietary rights under the customary law of the Islands;

(*k*) "jenmi" means a person who has proprietary rights over jenmam land;

(*l*) "kudiyan" means a person who has neither a homestead nor any land, either as owner or as a tenant in possession, on which he could erect a homestead and—

(*i*) who has been permitted with or without an obligation to pay rent by a person in lawful possession of any land to have the use and occupation of a portion of such land for the purpose of erecting a homestead; or

(*ii*) who has been permitted by a person in lawful possession of any land to occupy, with or without an obligation to pay rent, a hut belonging to such person and situate in the said land, but otherwise has no interest in the land,

and "kudi" means the land and the homestead or the hut so permitted to be erected or occupied together with the easements attached thereto;

(*m*) "land holder" means a land-owner, a tenant in possession or a mortgagee in possession;

(*n*) "land-owner" means a person—

(*i*) who is the proprietor of a parcel of land under the customary law of the Islands; or

(*ii*) who is shown as holding land as a lessee thereof in the Government records; or

(*iii*) who is shown as holding pandaram land as a cowledar in the Government records; or

(*iv*) whose name is registered as owner in any register maintained by the Administrator or by any officer authorised by him in this behalf;

(*o*) "land records" means records maintained under the provisions of, or for the purposes of this Regulation;

(*p*) "monsoon period" means the period beginning on the first of May and ending with the fifteenth of September;

(*q*) "Nadapu tenancy" means tenancy under which a tenant is required, among other things, to render customary services such as—

(*i*) working as a member of the crew of the jenmi's or cowledar's boat;

(*ii*) thatching the boat-shed of the jenmi or cowledar;

(*iii*) repairing and maintaining jenmi's or cowledar's boat;

(*iv*) carrying out seasonal repairs to the jenmi's or cowledar's house; or

(*v*) rendering service on occasions of birth, marriage or death in the jenmi's or cowledar's house;

(*r*) "Official Gazette" means the Gazette of the Islands or until the said Gazette is published, the Gazette of India;

(*s*) "pandaram land" means land in which Government has a proprietary right immediately before the commencement of this Regulation and includes any land in which it may acquire such rights under this Regulation or under any other law;

(*t*) "person under disability" means—

(*i*) a widow;

(*ii*) a minor;

(*iii*) a woman who is unmarried or who, if married, is divorced or judicially separated from her husband or whose husband is a person falling under item (*iv*) or item (*v*);

(*iv*) a member of the Armed Forces of the Union;

(*v*) a person incapable of cultivating land by reason of some physical or mental disability;

(*u*) "prescribed" means prescribed by rules made under this Regulation;

(*v*) "rent" means whatever is lawfully payable, in money or in kind, or partly in money and partly in kind, whether as a fixed quantity of produce or as a share of the produce, on account of the use or occupation of land or on account of any right in land but shall not include land revenue;

(*w*) "revenue officer" means any officer appointed under section 4 and includes a survey officer;

(*x*) "survey" includes all operations incidental to the determination, measurement and record of a boundary, or any part of a boundary and includes a re-survey;

(*y*) "survey officer" means any person appointed to be a survey officer under section 3 of the Laccadive, Minicoy and Amindivi Islands Survey and Boundaries Regulation, 1959;

4 of 1959.

(*z*) "tenant" means a person who cultivates or holds the land of a jenmi, a cowledar or any other holder of pandaram land under an agreement, express or implied, on condition of paying rent therefor;

(*za*) "year" means the agricultural year commencing on such date as the Administrator may, in the case of any specified area, by notification in the Official Gazette, appoint.

CHAPTER II

REVENUE DIVISIONS, REVENUE OFFICERS AND THEIR APPOINTMENT

Power to divide the district into tehsils.

3. (*1*) The Union territory of Laccadive, Minicoy and Amindivi Islands shall be one district for the purposes of this Regulation.

(*2*) The Administrator may, by notification in the Official Gazette, divide the district into tehsils and villages and may alter the limits of, or abolish, any tehsil or village.

Appointment of revenue officers.

4. The Government or such officer as may be authorised by the Government in this behalf may appoint the following classes of revenue officers, namely :—

(*a*) Collector,
(*b*) settlement officers,
(*c*) assistant settlement officers,
(*d*) tehsildars,
(*e*) revenue inspectors,
(*f*) amins, and
(*g*) such other officers as may be prescribed.

Collector and certain other revenue officers.

5. (*1*) The Collector shall be in charge of the revenue administration of the district and exercise the powers and discharge the duties of the Collector under this Regulation or any other law for the time being in force and shall exercise so far as is consistent therewith such other powers of superintendence and control within the district and over the officers subordinate to him as may, from time to time, be prescribed.

(2) Each tehsil shall be placed under the charge of a tehsildar.

(3) The duties and powers of a tehsildar and other revenue officers shall be such as may be imposed or conferred on them by or under this Regulation or any other law for the time being in force or any general or special order of the Administrator published in the Official Gazette.

Settlement officers.

6. The settlement officers and assistant settlement officers shall have power to take cognisance of all matters connected with the settlement of the revenue-rates and the preparation and maintenance of land records and other registers and shall exercise all such powers and perform all such duties as may be conferred or imposed by or under this Regulation or by any general or special order of the Administrator published in the Official Gazette.

Subordination of revenue officers.

7. All revenue officers shall be subordinate to the Administrator and all revenue officers other than the Collector shall be subordinate to the Collector.

Combination of offices.

8. It shall be lawful for the Administrator to appoint one and the same person to any two or more of the offices provided for in this Chapter or in the Laccadive, Minicoy and Amindivi Islands Survey and Boundaries Regulation, 1959, to make any appointment by virtue of office and also to confer on any officer of the Government all or any of the powers and duties of any of the revenue officers including the Collector. 4 of 1959.

Notification of appointments.

9. All appointments made under this Chapter except those of officers of and below the rank of revenue inspector shall be notified in the Official Gazette.

Seals.

10. The Administrator shall, from time to time, by notification in the Official Gazette, specify the revenue officers who shall use a seal and also the size and description of the seal which each such officer shall use.

CHAPTER III

LAND AND LAND REVENUE

Title of Government to lands, etc.

11. (1) All lands, public roads, lanes and paths and bridges, tanks, ditches, dikes and fences on or beside the same, the bed of the sea and of harbours and creeks below high-water-mark, and all standing or flowing water, and all rights in or over the same or appertaining thereto, which are not the property of any person, are, and are hereby declared to be, the property of the Government.

Explanation.—In this sub-section, (*i*) "land" includes any newly formed islands, and (*ii*) "high-water-mark" means the highest point reached by ordinary spring-tides at any season of the year.

(*2*) Unless it is otherwise expressly provided in the terms of a grant made by the Government, the right to mines, quarries, minerals and mineral products including mineral oil, natural gas and petroleum shall vest in the Government, and it shall have all the powers necessary for the proper enjoyment of such rights.

(*3*) Where any property or any right in or over any property is claimed by or on behalf of the Government, or by any person as against the Government and the claim is disputed, such dispute shall be decided by the Collector whose order shall, subject to the provisions of this Regulation, be final.

(*4*) Any person aggrieved by an order made under sub-section (*3*) or in appeal or revision therefrom may institute a civil suit to contest the order within a period of six months from the date of such order and the decision of the civil court shall be binding on the parties.

Right to trees, jungle, etc.

12. (*1*) The right to all trees, brushwood, jungle or other natural products, wherever growing, except in so far as the same may be the property of any person, shall vest in the Government and such trees, brushwood, jungle or other natural products shall be preserved or disposed of in such manner as may be prescribed, keeping in view the interests of the people in the area with regard to the user of the natural products.

(*2*) All road-side trees which have been planted and reared by or under the orders or at the expense of the Government and all trees which have been planted and reared at the expense of local authorities by the side of any road belonging to the Government shall vest in the Government.

Assignment of land for special purposes.

13. Subject to rules made in this behalf under this Regulation, the Collector may set apart pandaram land for pasturage for the cattle or for any other purpose.

Allotment of land.

14. (*1*) The Collector may allot pandaram land for agricultural purposes or for construction of dwelling houses, in accordance with such rules as may be made in this behalf under this Regulation.

(*2*) The Administrator shall have power to allot any pandaram land for an industrial purpose or for any purpose of public utility on such conditions as may be prescribed.

Unauthorised occupation of land.

15. (*1*) Any person who occupies or continues to occupy any pandaram land without lawful authority shall be regarded as a trespasser and may be summarily evicted therefrom by the competent authority in the prescribed manner and any building or other construction erected or anything deposited on such land, if not removed within such reasonable time as such authority may, from time to time, fix for the purpose, shall be liable to be forfeited to the Government and to be disposed of in such manner as the competent authority may direct:

Provided that the competent authority may, in lieu of ordering the forfeiture of any such building or other construction, order the demolition of the whole or any part thereof.

(*2*) Such trespasser shall also be liable by way of penalty to pay a sum which may extend to six times the annual land revenue assessed on such land as may be specified by the competent authority and such sum shall be recoverable in the same manner as an arrear of land revenue.

Liability of land to land revenue.

16. (*1*) All lands, to whatever purpose applied, shall be liable to payment of land revenue to the Government.

(*2*) Notwithstanding anything contained in sub-section (*1*), no land held by a jenmi shall be liable to payment of land revenue to the Government for such period and subject to such conditions as may be prescribed.

(*3*) The Administrator may, if he is satisfied that it is necessary or expedient so to do for the purpose of avoiding any hardship that may be caused, by reason of the provisions of sub-section (*1*), to any other class of persons holding lands in the Islands, exempt, by order notified in the Official Gazette, such lands from the payment of land revenue to the Government for such period and subject to such conditions as may be specified in the Order.

Abolition of tree tax.

17. From the beginning of the year in which land revenue becomes payable in respect of any holding, the tree tax levied in respect of any trees in that holding shall be abolished.

Land revenue in case of diluvion.

18. Every land holder paying land revenue shall be entitled, subject to such rules as may be made in this behalf, to a decrease of assessment if any portion (not being less than one hundred square metres) of the land held by him is lost by diluvion.

Assessment of land revenue.

19. (*1*) The assessment of land revenue on any land shall be made with respect to the use of the land—

(*a*) for purposes of agriculture;

(*b*) for industrial or commercial purposes;

(*c*) as sites for dwelling houses;

(*d*) for any other purpose.

(*2*) Where land assessed for use for any one purpose is diverted to any other purpose, the land revenue payable upon such land shall, notwithstanding that the term for which the land revenue may have been fixed has not expired, be liable to be altered and assessed at a different rate in accordance with the rules made under this Regulation.

Diversion of land.

20. (*1*) If any person holding land for any purpose wishes to divert such land or any part thereof to any other purpose, he shall apply for permission to the competent authority who may, subject to the provisions of this section and to the rules made under this Regulation, refuse permission or grant it on such conditions as it may think fit.

(*2*) Permission to divert as aforesaid may be refused by the competent authority only on the ground that the diversion is likely to cause a public nuisance or that it is not in the interest of the general public or that the holder is unable or unwilling to comply with the conditions that may be imposed under sub-section (*3*).

(*3*) Conditions may be imposed on diversion for the purpose of securing the public health, safety and convenience, and in the case of land which is to be used as building sites, for the purpose of securing in addition that the dimensions, arrangement and accessibility of the sites are adequate for the health and convenience of occupiers or are suitable to the locality, but not for any other purpose.

(*4*) If any land has been diverted without permission by the holder or by any other person with or without the consent of the holder, the competent authority, on receiving information thereof, may impose on the person responsible for the diversion a penalty not exceeding one hundred rupees, and may proceed in accordance with the provisions of sub-section (*1*) as if an application for permission to divert has been made.

(*5*) If any land has been diverted in contravention of an order passed or of a condition imposed under any of the foregoing sub-sections, the competent authority may—

(*a*) serve a notice on the person responsible for such contravention, directing him, within a reasonable period to be stated in the notice, to use the land for its original purpose or to observe the condition; and such notice may require such person to remove

any structure, to fill up any excavation, or to take such other steps as may be required in order that the land may be used for its original purpose, or that the condition may be satisfied; and

(*b*) also impose on such person a penalty not exceeding one hundred rupees for such contravention, and a further penalty not exceeding four rupees for each day during which such contravention continues.

(*6*) If any person served with a notice under sub-section (5), fails within the period stated in the notice to take the steps ordered by the competent authority under that sub-section, the competent authority may itself take such steps or cause them to be taken; and any cost incurred in so doing shall be recoverable from such person in the same manner as an arrear of land revenue.

Explanation.—"Diversion" in this section means using land assessed to any purpose for any other purpose.

Remission or suspension of revenue under certain conditions.

21. The Administrator may, in accordance with the rules made in this behalf under this Regulation, grant a remission or suspension of land revenue in years in which crops in any area have failed or have been destroyed on account of any natural calamity.

Responsibility for payment of land revenue.

22. (*1*) The following persons shall be primarily liable for the payment of land revenue assessed on land, namely:—

(*i*) the land-owner;

(*ii*) the tenant or any other person in possession of the land, provided that such tenant or other person shall be entitled to credit from the land-owner for the amount paid by him.

(*2*) Where there are two or more persons liable to pay land revenue under sub-section (*1*), all of them shall be jointly and severally liable for its payment.

Receipt for land revenue.

23. Every revenue officer receiving payment of land revenue shall, at the time when such payment is received by him, give a written receipt for the same in the prescribed form.

CHAPTER IV

SETTLEMENT OF LAND REVENUE

Definitions of "revenue survey", "settlement" and "term of settlement".

24. The operations carried out in accordance with the provisions of the Laccadive, Minicoy and Amindivi Islands Survey and Boundaries Regulation, 1959, in any local area are called a "revenue survey", the 4 of 1959 results of the operations conducted in an area in order to determine the land revenue are called a "settlement" and the period during which such settlement is to be in force is called the "term of settlement".

Determination of revenue-rates.

25. The Administrator may at any time direct the determination or the revision of the revenue-rates for all lands in any area of which a revenue survey has been made.

Revenue-rates how determined.

26. For the purpose of determining the revenue-rates, the settlement officer may divide any area into units and in forming such units, he shall have regard to the physical features, agricultural and economic conditions and trade facilities and communications; and shall then determine the revenue-rates for different classes of land in each such unit in the manner and according to the principles prescribed and in particular, in the case of agricultural land, to the profits of agriculture, and in the case of non-agricultural land, to the value of the land.

Publication of table of revenue-rates.

27. (*1*) The settlement officer shall prepare a table of revenue-rates in the prescribed form and publish it in the prescribed manner for the prescribed period.

(*2*) Any person objecting to any entry in the table of revenue-rates may present a petition in writing to the settlement officer within the prescribed period and the settlement officer shall consider such objections after giving a hearing to the objector.

(*3*) The settlement officer shall submit the table of revenue-rates to the Administrator together with a summary of objections, if any, his decisions on such objections and a statement of the grounds in support of his proposals.

Confirmation of the table of revenue-rates.

28. (*1*) The Administrator may confirm the table of revenue-rates submitted to him by the settlement officer with such modification, if any, as he may consider necessary.

(*2*) The table of revenue-rates confirmed under sub-section (*1*) shall be finally published in the Official Gazette.

Introduction of revenue-rates.

29. When the revenue-rates are determined under this Chapter in respect of any area, such rates shall take effect from the beginning of the year next after the date of final publication of the table of revenue-rates under section 28.

Duration of revenue-rates.

30. (*1*) When the table of revenue-rates for any area has been finally published, the rates specified therein shall remain in force for a period of thirty years.

(*2*) Notwithstanding anything contained in sub-section (*1*),

(*a*) revenue-rates may be altered or revised in any year after the expiry of every ten years from the date on which the table of

revenue-rates was introduced, in such manner and to such extent as may be prescribed;

(b) when the circumstances of a local area are such that a fresh determination of the revenue-rates is in the opinion of the Administrator inexpedient, he may extend the term of settlement by such further period as he may think necessary.

Assessment of holdings.

31. (1) The settlement officer shall assess the land revenue on each holding in accordance with the revenue-rates confirmed and finally published under section 28.

(2) The settlement officer shall have the power to make assessment on all lands whatsoever to which the revenue survey extends, whether such lands are held with liability to pay full land revenue or land revenue at concessional rates or are held revenue free.

(3) When the land revenue assessed on a holding under sub-section (1) exceeds the tree tax payable in respect of the trees on that holding at the commencement of this Regulation, the Administrator may reduce the land revenue to such extent and for such period as may be prescribed.

Additional assessment for improvements.

32. Notwithstanding anything contained in this Chapter, the Administrator may direct that any land in respect of which revenue-rate has been determined shall be assessed to additional revenue during the term of the settlement for additional advantages accruing to it from any improvements effected at the expense of the Government or any local authority.

Preparation of settlement register.

33. (1) It shall be the duty of the survey officer or the settlement officer on the occasion of making or revising a settlement of land revenue to prepare a register in respect of each village to be called the "settlement register", showing the area and assessment of each survey number, with any other particulars that may be prescribed, and other records in accordance with such orders as may, from time to time, be made in this behalf by the Administrator.

(2) The table of revenue-rates published under section 28 shall be incorporated in and form part of the settlement register of the village.

Power of Collector to correct errors, etc.

34. (1) The powers and duties exercisable by the officers referred to in section 6 may also be exercised, during the term of settlement, by the Collector or such other revenue officer as may be specified by the Administrator for the purpose by notification in the Official Gazette.

(2) The Collector may at any time during the term of settlement correct any error in the area of, or the land revenue assessed on, any

survey number or sub-division due to a mistake of survey or arithmetical miscalculation:

Provided that no arrears of land revenue shall become payable by reason of such correction.

Preparation of record of rights.

35. It shall be the duty of the settlement officer to prepare a record of rights for each village showing the area of each survey number and other particulars and any other record or register, in accordance with the rules made under this Regulation.

Publication of the record of rights.

36. (*1*) When a record of rights has been prepared, the settlement officer shall publish a draft of the record in such manner and for such period as may be prescribed and shall receive and consider any objections which may be made during the period of such publication, to any entry therein or to any omission therefrom.

(*2*) When all objections have been considered and disposed of in accordance with the rules made in this behalf, the settlement officer shall cause the record to be finally published in the prescribed manner.

(*3*) Every entry in the record of rights as finally published shall, until the contrary is proved, be presumed to be correct.

Jurisdiction of civil courts to decide disputes.

37. The civil courts shall have jurisdiction to decide any dispute to which the Government is not a party relating to any right or entry which is recorded in the record of rights.

Correction of *bona fide* mistake in register.

38. The settlement officer may, on application made to him in this behalf or on his own motion, within one year from the date of final publication of the record of rights, correct any entry in such record which he is satisfied has been made owing to a *bona fide* mistake.

CHAPTER V

LAND RECORDS

Maintenance of settlement records

39. Records prepared during settlement shall be maintained in such manner as may be prescribed.

Register of mutations.

40. (*1*) There shall be maintained for every village a register of mutations in such form as may be prescribed.

(*2*) Any person acquiring by succession, survivorship, inheritance, partition, purchase, gift, mortgage, lease or otherwise any right in land or, where such person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property, shall report the acquisition of such right to the competent authority

within three months from the date of such acquisition and the competent authority shall give at once a written acknowledgement in the prescribed form for such report to the person making it.

(3) The competent authority shall enter the substance of every report made to him under sub-section (2) in the register of mutations and also make an entry therein respecting the acquisition of any right of the kind mentioned in sub-section (2) which he has reason to believe to have taken place and of which a report has not been made under the said sub-section and, at the same time, shall display a complete copy of the entry in a conspicuous place in the village and shall give written intimation to all persons appearing from the record of rights or the register of mutations to be interested in the mutations and to any other person whom he has reason to believe to be interested therein.

(4) Should any objection to any entry made under sub-section (3) in the register of mutations be made either orally or in writing to the competent authority, he shall enter the particulars of the objection in the register of disputed cases and shall at once give a written acknowledgement in the prescribed form for the objection to the persons making it.

(5) The objections made under sub-section (4) shall be decided on the basis of possession by the competent authority and orders disposing of objections entered in the register of disputed cases shall be recorded in the register of mutations by the competent authority.

(6) After the entries in the register of mutations have been tested and found correct, the entries shall be transferred to the record of rights and shall be certified by such officer as may be prescribed in this behalf.

Penalty for neglect to afford information.

41. The Collector may, if he is of opinion that any person has wilfully neglected to make the report required by section 40 within the period specified in that section impose on such person a penalty not exceeding twenty-five rupees.

Certified copies.

42. Certified copies of entries in the record of rights may be granted by such officers and on payment of such fees as may be prescribed.

Maps and other records open to inspection.

43. Subject to such rules as may be made by the Administrator in this behalf and on payment of such fees, if any, as may be prescribed, all maps and land records shall be open to inspection by the public durnig office hours, and certified extracts therefrom or certified copies thereof may be given to all persons applying for the same.

CHAPTER VI

REALISATION OF LAND REVENUE AND OTHER PUBLIC DEMANDS

Land revenue to be first charge.

44. Land revenue assessed on any land shall be the first charge on that land and on the crops, rents and profits thereof.

Payment of land revenue.

45. Land revenue shall be payable at such times, in such instalments, to such persons, and at such places, as may be prescribed.

Arrear of land revenue.

46. (*1*) Any instalment of land revenue or part thereof which is not paid on the due date shall become an arrear of land revenue and the person responsible for the payment shall become a defaulter.

(*2*) A statement of account certified by the tehsildar shall, for the purpose of this Chapter, be conclusive evidence of the existence of the arrear, of its amount and of the person who is the defaulter:

Provided that nothing in this sub-section shall prejudice the right of such person to make payment under protest and to question the correctness of the account in separate proceedings before the competent authority.

Recovery of arrears.

47. An arrear of land revenue may be recovered by any one or more of the following processes, namely:—

(*a*) by serving a written notice of demand on the defaulter;

(*b*) by distraint and sale of the defaulter's movable property, including the produce of the land;

(*c*) by attachment and sale of the defaulter's immovable property.

Notice of Demand.

48. The form and contents of the notice of demand and the officers by whom such notices may be issued shall be such as may be prescribed.

Distraint and sale of movable property.

49. (*1*) The distraint and sale of the movable property of a defaulter shall be made by such officers or class of officers, in such manner and in accordance with such procedure, as may be prescribed.

(*2*) Nothing in sub-section (*1*) shall be deemed to authorise the distraint or sale of any property which, under the Code of Civil Procedure, 1908, is exempt from attachment or sale in execution of a decree or of any article set aside exclusively for religious use.

5 of 1908.

Sale of immovable property.

50. (*1*) When the Collector is of opinion that the processes referred to in clauses (*a*) and (*b*) of section 47 are not sufficient for the recovery of an arrear, he may, in addition to or instead of any of those processes, cause the land in respect of which such arrear is due to be attached and sold in the prescribed manner.

(2) The Collector may also cause the right, title and interest of the defaulter in any other immovable property to be similarly attached and sold.

(3) Nothing in sub-sections (1) and (2) shall be deemed to authorise the attachment or sale of any land which is exempt from attachment or sale under the provisions of the Laccadive, Minicoy and Amindivi Islands (Protection of Scheduled Tribes) Regulation, 1964. 9 of 1964.

Notice of sale.

51. (1) Before effecting the sale of any land or other immovable property under the provisions of this Chapter, the Collector or other officer empowered in this behalf shall issue such notices and proclamations, in such form, in such manner and containing such particulars, as may be prescribed; and the notices and proclamations shall also be published in such manner as may be prescribed.

(2) A copy of every notice or proclamation issued under sub-section (1) shall be served on the defaulter.

Sale to be by auction.

52. All sales of property, movable or immovable, under this Chapter shall be by public auction held in accordance with such rules as may be made by the Administrator in this behalf.

Prohibition to bid at auction.

53. No officer having any duty to perform in connection with any such sale and no person employed by or subordinate to such officer shall, either directly or indirectly, bid for or acquire any property at such sale except on behalf of the Government.

Sale of perishable articles.

54. Perishable articles shall be sold by auction with the least possible delay and such sale shall be finally concluded by the officer conducting the sale.

Sales not to be excessive.

55. Every sale of property, movable or immovable, under the provisions of this Chapter shall, as far as may be practicable, be proportionate to the amount of the arrear of land revenue to be recovered together with the interest thereon and the expenses of attachment and sale.

Deposit by purchaser of immovable property.

56. In all cases of sale of immovable property, the party who is declared to be the purchaser shall be required to deposit immediately twenty-five per cent. of the amount of his bid, and the balance within fifteen days of the date of sale.

Failure to make deposit.

57. (1) If default is made in depositing twenty-five per cent. of the amount of the bid as required by section 56, the property shall be put up for re-sale and the expenses incurred in connection with the first sale shall be borne by the defaulting bidder and be recoverable from him in the same manner as an arrear of land revenue.

(2) If default is made in depositing the balance of the bid amount within the period specified in section 56, the deposit already made shall, after defraying therefrom the expenses of the sale, be forfeited to the Government and the property shall be resold.

(3) Where the proceeds of the re-sale are less than the price bid by such defaulting purchaser, the difference shall also be recoverable from him in the same manner as an arrear of land revenue.

Setting aside sale.

58. Where immovable property has been sold under this Chapter, the defaulter, or any person owning such property or holding an interest therein, may, at any time, within thirty days of the date of sale or within such further period not exceeding thirty days as the Collector may for sufficient cause allow, apply in the prescribed manner to the Collector to have the sale set aside—

(a) on the ground of some material irregularity or mistake or fraud resulting in substantial loss or injury to him, or

(b) on his depositing in the Collector's office the amount of the arrear specified in the proclamation of sale, the cost of the sale and for payment to the purchaser, a sum equal to five per cent. of the purchase money.

Confirmation of sale.

59. If, on the expiration of thirty days from the date of sale of any immovable property or of the further period, if any, allowed under section 58, no application has been made for setting aside the sale, or if any such application has been made and rejected, the Collector shall make an order confirming the sale unless, for reasons to be recorded, the Collector sets aside the sale notwithstanding that no application therefor has been made.

Refunds.

60. (1) The Collector shall order the refund and payment to the purchaser, of—

(a) the amounts deposited by him under section 56, and

(b) the sum equal to five per cent. of the purchase money deposited under clause (b) of section 58,

if the sale is not confirmed or is set aside.

(2) The Collector shall order the refund and payment of all the moneys deposited under clause (b) of section 58 to the person who made the deposit, if the sale is confirmed:

Provided that the Collector may set off the whole or any part of any such moneys against any arrears of land revenue or any other arrear recoverable as an arrear of land revenue, which may be outstanding against the person who made the deposit.

Certificate of purchase.

61. When a sale held under this Chapter is confirmed, the Collector shall put the person declared to be the purchaser in possession of the property and shall grant him a certificate in the prescribed form to the effect that he has purchased the property specified therein, and such certificate shall be deemed to be a valid transfer of such property.

Application of proceeds of sale.

62. The proceeds of the sale of any property under this Chapter shall be applied in defraying the expenses of the sale which shall be determined in the prescribed manner and the balance shall be applied to the payment of the arrears on account of which the sale was held and the surplus, if any, shall be paid to the person whose property has been sold.

Liability of certified purchaser.

63. The person who has purchased any land and to whom certificate of purchase has been granted shall not be liable for the land revenue in respect of the land for any period prior to the date of the sale.

Precautionary measure in certain cases.

64. When the crop of any land or any portion of the same is sold, mortgaged or otherwise disposed of, the Collector may, if he thinks it necessary, prevent its being removed from the land until the demand for the current year in respect of the said land is paid, whether the date fixed for the payment of the same has arrived or not.

Recovery of other public demands.

65. The following moneys may be recovered under this Regulation in the same manner as an arrear of land revenue, namely :—

(*a*) rent, fees and royalties due to the Government for use or occupation of land or water or any product of land;

(*b*) all moneys falling due to the Government under any grant, lease or contract which provides that they shall be recoverable as an arrear of land revenue;

(*c*) all sums declared by this Regulation or any other law for the time being in force to be recoverable as an arrear of land revenue.

CHAPTER VII

PROCEDURE OF REVENUE OFFICERS: APPEALS AND REVISIONS

Revenue officers to be courts.

66. (*1*) A revenue officer, while exercising power under this Regulation or any other law for the time being in force to inquire into or to decide any question arising for determination between the

Government and any person or between parties to any proceedings, shall be a revenue court.

(2) Nothing in this Regulation shall be deemed to limit or otherwise affect the inherent power of the revenue court to make such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the revenue court.

Place of hearing.

67. Except for reasons to be recorded in writing, no revenue officer shall inquire into or hear any case at any place outside the local limits of his jurisdiction.

Power to enter upon and survey land.

68. All revenue officers and persons acting under their orders may enter upon and survey any land and demarcate boundaries and do all other acts necessary for the purpose of discharging their duties under this Regulation or any other law for the time being in force and in so doing, shall cause no more damage than the circumstances of the case may require.

Power to transfer cases.

69. (*1*) The Administrator may transfer any case or class of cases arising under this Regulation or any other law for the time being in force from any revenue officer to any other revenue officer competent to deal with such case or class of cases.

(2) The Collector may transfer any case or class of cases arising under this Regulation or any other law for the time being in force for inquiry or decision from his own file or from the file of any revenue officer subordinate to him to the file of any other revenue officer subordinate to him and competent to deal with such case or class of cases.

Power to take evidence, summon witnesses, etc.

70. (*1*) Every revenue officer, not lower in rank than a tehsildar, acting as a revenue court, shall have power to take evidence and to summon any person whose attendance he considers necessary, either as a party or as a witness or to produce any document, for the purpose of any inquiry which such officer is legally empowered to make; and all persons so summoned shall be bound to attend either in person or by an authorised agent as such officer may direct, and to produce such documents as may be required.

(2) Every summons shall be in writing, signed and sealed by the officer issuing it and shall be in such form and be served in such manner as may be prescribed.

Compelling attendance of witnesses.

71. If any person on whom a summons to attend as witness or to produce any document has been served fails to comply with the summons, the officer by whom the summons has been issued under section 70 may—

(*a*) issue a bailable warrant of arrest;

(*b*) order him to furnish security for appearance; or

(*c*) impose upon him a fine not exeeding twenty rupees.

Hearing in absence of party.

72. (*1*) If, on the date fixed for hearing a case or proceeding, a revenue officer finds that a summons or notice was not served on any party due to the failure of the opposite party to pay the requisite process fees for such service, the case or proceeding may be dismissed for default of payment of such process fees.

(*2*) If any party to a case or proceeding before a revenue officer does not appear on the date fixed for hearing, the case may be heard and determined in his absence or may be dismissed for default.

(*3*) The party against whom any order is passed under sub-section (*1*) or sub-section (*2*) may apply, within thirty days from the date of such order, to have it set aside on the ground that he was prevented by sufficient cause from paying the requisite process fees or from appearing at the hearing; and the revenue officer may, after notice to the opposite party and after making such inquiry as he considers necessary, set aside the order passed.

Adjournment of hearing.

73. (1) A revenue officer may, from time to time, for reasons to be recorded, adjourn the hearing of a case or proceeding before him.

(*2*) The date and place of an adjourned hearing shall be intimiated at the time of the adjournment to such of the parties and witnesses as are present.

Power to order payment of cost.

74. A revenue officer may direct the parties to pay the cost incurred in any case or proceeding before him and also apportion the cost among the parties in such manner and to such extent as he may think fit.

Use of force.

75. Where any order is passed under this Regulation directing any person to deliver possession of land or directing the eviction of any person from land, such order shall be executed by the competent authority in such manner as may be prescribed and it shall be lawful for such authority, in accordance with rules to be prescribed, to take such steps and use or cause to be used such force as may be reasonably necessary for securing compliance with the order.

76. All appearances before, applications to, and acts to be done before, any revenue officer under this Regulation or any other law for the time being in force may be made or done by the parties themselves or by their authorised agents who shall not be legal practitioners: Appearance before and applications to revenue officers.

Provided that any such appearance shall, if the revenue officer so directs, be made by the party in person.

77. Any revenue officer by whom an order was passed in a case or proceeding may, either on his own motion or on the application of a party, correct any error or omission not affecting a material part of the case or proceeding, after such notice to the parties as he may consider necessary. Correction of error or omission.

78. (*1*) Save as otherwise expressly provided, an appeal shall lie from every original order passed under this Regulation,— Appeals.

(*a*) if such an order is passed by an assistant settlement officer, to the settlement officer or to a revenue officer notified by the Administrator in the Official Gazette to be the appellate authority;

(*b*) if such an order is passed by a settlement officer, to the Administrator;

(*c*) subject to the provisions of clauses (*a*) and (*b*), if such an order is passed by an officer subordinate to the Collector, to the Collector; and

(*d*) if such an order is passed by the Collector, to the Administrator.

(*2*) A second appeal shall lie to the Administrator against any order passed in first appeal under clause (*a*) or clause (*c*) of sub-section (*1*).

79. (*1*) No appeal shall lie,—

(*a*) in the case of a first appeal, after the expiry of thirty days from the date of the order appealed against; and Limitation of appeal

(*b*) in the case of a second appeal, after the expiry of sixty days from the date of the order appealed against.

(*2*) In computing the above periods, the time required to obtain copies of the order appealed against shall be excluded.

80. The Administrator or the Collector may, at any time, either on his own motion or on the application of any party, call for the record of any proceeding before any revenue officer subordinate to him for the purpose of satisfying himself as to the correctness, Revision.

legality or propriety of any order passed by such revenue officer, and may pass such order with respect thereto as he thinks fit:

Provided that he shall not vary or reverse any order affecting any right between private persons without having given to the parties interested, notice to appear and make their representations.

Review of orders.

81. (*1*) A revenue officer may, either on his own motion or on the application of any party interested, review any order passed by himself or by any of his predecessors-in-office and pass such order in reference thereto as he thinks fit :

Provided that a revenue officer subordinate to the Collector shall, before reviewing any order under this section, obtain the permission of the Collector and the Collector shall, before reviewing an order passed by any of his predecessors-in-office, obtain the permission of the Administrator.

(*2*) No order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings and except after notice to the other party and no application for the review of such order shall be entertained unless it is made within ninety days from the date of the order.

(*3*) No order shall be reviewed except on the following grounds, namely :—

(*i*) discovery of new and important matter of evidence;

(*ii*) some mistake or error apparent on the face of the record; or

(*iii*) any other sufficient reason.

(*4*) For the purposes of this section, the Collector shall be deemed to be the successor-in-office of any revenue officer who has left the district or who has ceased to exercise powers as a revenue officer and to whom there is no successor in the district.

(*5*) An order which has been dealt with in appeal or on revision shall not be reviewed by any officer subordinate to the appellate or revisional authority

Stay of execution of orders.

82. (*1*) A revenue officer who has passed any order or his successor-in-office may, at any time before the expiry of the period prescribed for appeal, direct the stay of execution of such order for such period as he thinks fit provided that no appeal has been filed.

(*2*) Any authority before whom a case is pending in appeal or revision may direct the stay of execution of the order appealed from or under revision for such period as it may think fit.

(3) The revenue officer or other authority directing such stay of execution of any order may impose such conditions, or order such security to be furnished, as he or it may think fit.

CHAPTER VIII

OCCUPANTS AND THEIR RIGHTS

Conferment of rights of occupancy.

83. The Administrator may, subject to such conditions as may be prescribed, confer the rights of occupancy under this Chapter on—

(*a*) a person who immediately before the commencement of this Regulation was occupying pandaram land as cowledar;

(*b*) any other person who is in occupation of pandaram land at the commencement of this Regulation; or

(c) any person who may be allotted pandaram land under section 14.

Rights of occupants.

84. (*1*) Subject to the provisions of this Regulation and the Laccadive, Minicoy and Amindivi Islands (Protection of Scheduled Tribes) Regulation, 1964, the rights of an occupant in his land shall be permanent, heritable and transferable.

9 of 1964.

(*2*) The occupant shall be entitled, by himself, his servants, tenants, agents or other representatives to erect buildings, construct wells or tanks or make other improvements thereon for the better cultivation of the land or its convenient or profitable use, to plant trees on his land, to enjoy the products thereof and to fell, utilise or dispose of the timber of any trees on his land.

(*3*) Nothing in sub-section (*2*) shall entitle the occupant to use his land to the detriment of any adjoining land which is not his or in contravention of the provisions of any other law for the time being in force applicable to such lands.

CHAPTER IX

RIGHTS OF TENANTS

Abolition of Nadapu tenancy.

85. (*1*) Notwithstanding anything contained in any law, custom, usage or contract, the Nadapu tenancy shall stand abolished from such date as the Administrator may, by notification in the Official Gazette, appoint.

(*2*) On the abolition of the Nadapu tenancy, three-fourths of the land held by a Nadapu tenant, together with the trees standing thereon shall stand vested in the Nadapu tenant as jenmi or cowledar thereof and the remaining one-fourth of such land together with the trees

standing thereon shall revert to the jenmi or the cowleder; as the case may be, and the rights of the Nadapu tenant therein shall stand terminated.

(3) The procedure for apportionment of the land between the Nadapu tenant and the jenmi or cowledar under sub-section (2) shall be such as may be prescribed.

(4) Where, prior to the commencement of this Regulation, any settlement has been effected through mutual agreement between the jenmi or the cowledar and his Nadapu tenant abolishing the Nadapu tenancy, such settlement shall be binding as between the parties and shall take effect from the date of such settlement.

Tenants to have fixity of tenure.

86. (1) Notwithstanding anything contained in any law, custom, usage or contract, every person who holds land for cultivation as a tenant other than as a Nadapu tenant from a land-owner immediately before the commencement of this Regulation shall not be liable to eviction except as provided in this Regulation.

(2) Nothing in this section shall apply to a tenant in respect of his holding under a land-owner who is a member of the Armed Forces of the Union, if the tenancy was created by such land-owner within a period of three months before he became a member of the Armed Forces, or while he was serving as such member.

(3) The interest of a tenant referred to in sub-section (1) in any land held by him as such shall be heritable but, save as otherwise provided in this Regulation, shall not be transferable except to a member of his family.

Explanation.—In this section and in sections 89 and 96, "family" means wife or husband, children, grandchildren, parents and brothers.

Eviction of tenant.

87. No tenant other than a kudiyan shall be evicted from his land except under the orders of a competent authority and no order for eviction shall be passed except on any of the following grounds, namely:—

(a) that the tenant has intentionally and wilfully committed such acts of waste as are calculated to impair materially or permanently the value or utility of the land for agricultural purposes;

(b) that the tenant has failed to pay rent within a period of three months after it fell due:

Provided that the competent authority may, if it thinks fit, grant further time not exceeding six months for payment of the rent;

(c) that the tenant, not being a person under disability, has, after the commencement of this Regulation, sub-let the land.

Surrender of land by tenant

88. (*1*) After the commencement of this Regulation, no tenant shall surrender or abandon any land held by him as such, and no land-owner shall enter upon the land surrendered or abandoned by the tenant, without the previous permission in writing of the competent authority.

(*2*) Where an application is made to the competent authority by a tenant for permission to surrender any land, such permission may be granted if, after making such inquiry as may be prescribed, the competent authority is satisfied that the proposed surrender is *bona fide*.

(*3*) Where any tenant has abandoned any land or where permission to surrender land is granted in any case, the competent authority shall, in accordance with the rules made in this behalf, lease out such land to any other person who shall acquire all the rights of the tenant who abandoned or surrendered the land.

Restoration of possession of land in certain other cases.

89. (*1*) Where a tenant of any land has, on or after the 1st June, 1963 surrendered, or been evicted from, such land and the surrender or eviction could not have taken place if this Regulation had been in force on the date of such surrender or eviction, the competent authority may, *suo motu* or on application made by the tenant, restore him to possession of the land which he surrendered or from which he was evicted unless some other tenant, not being a member of the land-owner's family, had *bona fide* been admitted to possession of such land before the commencement of this Regulation.

(*2*) The competent authority shall, before making an order under sub-section (*1*), make such inquiry as may be prescribed.

Right to create a mortgage or charge.

90. It shall be lawful for a tenant to create a simple mortgage or a charge on his interest in the produce of trees on the land leased to him, in favour of the Government or a co-operative society in consideration of any loan advanced to him by the Government or such society; and in the event of his making default in the repayment of such loan in accordance with its terms, it shall be lawful for the Government or the society, as the case may be, to cause his interest

in the produce of trees to be attached and sold and the proceeds applied in payment of such loan.

Right to make improvements.

91. A tenant may, with the permission in writing of the land-owner, or if permission is refused without sufficient reason or is not given within two months, after obtaining the orders of the competent authority in the prescribed manner, make at his own expense any improvement to the land held by him, but shall not become liable to pay a higher rate of rent on account of any increase of production or of any change in the nature of the crop raised, as a consequence of such improvement.

Compensation for improvements.

92. (*1*) A tenant who has made any improvement at his own expense on the land leased to him shall, if he is to be evicted under the provisions of this Chapter, be entitled to receive compensation, before he is so evicted, for such improvement as, in the opinion of the competent authority, is reasonable.

(*2*) The compensation payable to a tenant under sub-section (*1*) shall be determined in accordance with the value of such improvement on the date of eviction, regard being had to the following matters, namely:—

(*a*) the amount by which the value of the land has increased by reason of the improvement;

(*b*) the condition of the improvement at the date of the determination of the value thereof and the probable duration of its effect;

(c) the labour and capital involved in the making of the improvement; and

(*d*) the advantages secured by the tenant in consideration of the improvement made by him.

(*3*) In any case in which compensation is payable to a tenant under this section, the competent authority may direct that—

(*a*) the whole or any part of any loan which the tenant has taken on the security of his interest in the produce of trees under section 90 and which is outstanding shall be deducted from such compensation and paid to the Government or the co-operative society, as the case may be;

(*b*) any arrear of rent due by the tenant to the land-owner and the costs, if any, awarded to the land-owner shall be adjusted against the compensation.

(*4*) A tenant against whom an order of eviction has been passed, shall be entitled to remove within such time as is deemed reasonable

by the competent authority, any work of improvement which can be severed from the land and which the tenant desires to remove, or any building or construction or work (which is not an improvement) in respect of which the land-owner is not willing to pay the compensation.

Relief against termination of tenancy for act of waste.

93. Where a tenancy is sought to be terminated on the ground that the tenant has materially impaired the value or utility of the land for agricultural purposes, if the damage to the land admits of being repaired or if pecuniary compensation would afford adequate relief, no proceeding for eviction shall lie against the tenant unless and until the land-owner has served on the tenant a notice in writing specifying the damage complained of and the tenant has failed within a period of one year from the service of such notice to repair the damage or to pay compensation therefor.

Exchange of land.

94. A tenant may by agreement exchange any land comprised in his holding with the land of the same class of any other tenant with the previous permission of the competent authority.

First option to purchase.

95. (*1*) If a land-owner at any time intends to sell his land held by a tenant other than a tenant enjoying fixity of tenure under section 86, he shall give notice in writing of his intention to such tenant and offer to sell the land to him and in case the latter intends to purchase the land, he shall intimate in writing his readiness to do so within two months from the date of receipt of such notice.

(*2*) If there is any dispute about the reasonable price payable for the land, either the land-owner or the tenant may apply in writing to the competent authority for determining the reasonable price; and the competent authority after giving notice to the other party and to all other persons interested in the land and after making such inquiry, as it thinks fit, shall fix the reasonable price of the land which shall be the average of the prices obtaining for similar lands in the locality during the ten years immediately preceding the date on which the application is made.

(*3*) The tenant shall deposit with the competent authority the amount of the price determined under sub-section (*2*) within such period as may be prescribed.

(*4*) On deposit of the entire amount of the reasonable price, the competent authority shall issue a certificate in the prescribed form to the tenant declaring him to be the purchaser of the land and shall also direct that the reasonable price deposited shall be paid to the land-owner.

(5) If a tenant does not exercise the right of purchase in response to the notice given to him by the land-owner under sub-section (1) or fails to deposit the amount of the price as required by sub-section (3), the tenant shall forfeit his right of purchase, and the land-owner shall be entitled to sell the land to any other person.

(6) The forfeiture of the right to purchase any land under this section shall not affect the other rights of the tenant in such land.

Land-owner may demand surrender of land for house building.

96. A land-owner who is not in possession of any land or is in possession of land measuring less than one hundred and twenty square metres and who needs the holding for the purpose of constructing a hut or a building *bona fide* for his own residence or the residence of a member of his family, may demand surrender from his tenant of so much of his holding as will make the land-owner's holding one hundred and twenty square metres in extent for the above purpose:

Provided that the tenant shall not be liable to surrender any portion of his holding if on account of such surrender the extent of his holding will be reduced to less than one hundred and twenty square metres.

Transfer of ownership of land to tenant.

97. (1) A tenant who enjoys fixity of tenure under section 86 may, on an application made in this behalf to the competent authority, purchase the land on payment of a price to be determined by the competent authority.

(2) The price payable by a tenant to a land-owner for purchase of land under sub-section (1) shall be—

(a) ten times the rent in respect of the land; and

(b) the value of structures and wells or tanks constructed thereon by the land-owner at his own expense.

(3) The purchase price shall be payable in such instalments not exceeding ten as may be determined by the competent authority.

Right to lease.

98. (1) Subject to the provisions of this Regulation, a land-owner may lease out his land to another person on such rent not exceeding the maximum rent specified in section 104, as may be agreed upon between him and such person.

(2) Every lease of land made after the commencement of this Regulation shall be for a period of five years and at the end of the said period, and thereafter at the end of every such period of five years, the tenancy shall, subject to the provisions of sub-section (3), be deemed to be renewed for a further period of five years on the

same terms and conditions except to the extent that a modification thereof consistent with this Regulation is agreed to by both parties.

(*3*) In respect of any lease made after the commencement of this Regulation, a land-owner who is a member of the Armed Forces of the Union, on his discharge from service or posting to the reserve, may by giving the tenant three months' notice in writing before the expiry of any year, and any other land-owner may by giving the tenant one year's notice in writing before the expiry of any term of five years, terminate the tenancy if the land-owner requires the land *bona fide* for personal cultivation by him.

CHAPTER X

RIGHTS AND LIABILITIES OF KUDIYAN

Kudiyan to have fixity.

99. (*1*) No kudiyan shall be liable to be evicted from his kudi except on the following grounds, namely:—

(*i*) that he has alienated his rights in the kudi to another person;

(*ii*) that he has rented or leased out his kudi to another person;

(*iii*) that he has ceased to reside in the kudi continuously for a period of two years; or

(*iv*) that he has another kudi or has obtained ownership and possession of land which is fit for erecting a homestead.

Explanation.—For the purposes of this sub-section, a kudiyan shall not be deemed to have ceased to reside in a kudi, notwithstanding the fact that he was not actually residing therein, if any of his near relatives who was residing with him in the kudi for a continuous period of not less than one year continues to reside in the kudi and in such a case the near relative who continues to reside in the kudi shall be liable for the rent payable by the kudiyan; and "near relative" shall mean husband or wife, children, grand children, father, mother, brother or sister.

(*2*) Notwithstanding anything contained in sub-section (*1*), the land-owner of the land on which there is a homestead or hut in the occupation of a kudiyan may, if he *bona fide* requires the land for building purposes for himself or any member of his family or if he considers that the kudi is so located as to cause inconvenience to him, with the prior approval of the competent authority, require

the kudiyan, to shift to a new site belonging to the land-owner, subject to the following conditions, namely :—

(*i*) the land-owner shall pay to the kudiyan the price of the homestead, if any, erected by the kudiyan;

(*ii*) the new site shall be fit for erecting a homestead and shall be within a distance of one mile from the existing kudi;

(*iii*) the extent of the new site shall not be less than the extent of the existing kudi, subject to a minimum of one hundred and twenty square metres; and

(*iv*) the land-owner shall transfer possession of the new site to the kudiyan and shall pay to him the reasonable cost of shifting the kudi to the new site.

(3) Where the above conditions are complied with, the kudiyan shall be bound to shift to the new site.

Explanation.—In this section, "family" means wife or husband, and sons and daughters.

Rent payable by kudiyan.

100. (*1*) All arrears of rent, if any, payable, by a kudiyan on the date of the commencement of this Regulation whether the same be payable under any law, custom, usage or contract or under a decree or order of court, shall be deemed to be fully discharged if he pays one year's rent or the actual amount in arrears, whichever is less.

(2) On and after the commencement of this Regulation, notwithstanding any contract, decree or order of court, a kudiyan shall not be required to pay more than six rupees yearly as rent in respect of his kudi :

Provided that a kudiyan who was not liable to pay any rent in respect of his kudi immediately before the commencement of this Regulation shall not be liable to pay any rent; nor shall a kudiyan be liable to pay any rent in excess of that which he was paying before the commencement of this Regulation.

Right of kudiyan to be heritable but not alienable.

101. The rights of a kudiyan in the kudi shall be heritable, but not transferable except to the wife or husband or any unmarried minor child of such kudiyan.

Right of kudiyan to maintain, repair, etc., homestead or hut.

102. The kudiyan shall have the right to maintain, repair and reconstruct with the same or different materials, but without increasing the plinth area, the hut belonging to the person who permitted the occupation by the kudiyan, or the homestead, at his own cost.

Register of kudiyans.

103. (*1*) The Administrator shall cause a register of kudiyans to be prepared and maintained in each village.

(*2*) The register shall show—

(*a*) the description of the land in which the kudi is situate;

(*b*) the location of the kudi and its extent;

(*c*) the name of the land-owner and of the person in possession of the land in which the kudi is situate;

(*d*) the name and address of the kudiyan; and

(*e*) such other particulars as may be prescribed.

(*3*) The register shall be prepared and maintained by such officer and in such manner as may be prescribed.

(*4*) The competent authority shall, before the preparation of the register, publish a notice in the village inviting applications from kudiyans for registration, to be presented before such date as may be specified in the notice.

(5) On receipt of an application within the time specified in the notice or within such further time as may be allowed by him, the competent authority shall, after enquiry and after giving an opportunity to the person in possession of the land to be heard, register the kudiyan or reject the application.

CHAPTER XI

RENT

Maximum rent.

104. The rent payable by a tenant in respect of any land held by him shall not exceed—

(*a*) where the rent is payable in kind as a share of the produce, one-fourth of the produce of such land or its value estimated in the prescribed manner;

(*b*) in any other case, four times the land revenue payable in respect of the land.

Explanation.—If no land revenue is payable in respect of the land, the rent shall be computed for the purposes of clause (*b*) at the rate applicable to similar pandaram land.

Payment of rent.

105. (*1*) The rent payable by a tenant shall, subject to the provisions of section 104, be the rent agreed upon between him and the land-owner or where there is no such agreement, the reasonable rent.

(2) The rent shall be paid at such times and in such manner as may be agreed upon between the parties or in the absence of such agreement, as may be prescribed.

Reasonable rent.

106. (1) The competent authority may, on an application made to it in this behalf by the land-owner or the tenant, determine the reasonable rent for any land.

(2) The form of application under sub-section (1) and the procedure to be followed by the competent authority shall be such as may be prescribed.

(3) In determining the reasonable rent, the competent authority shall have regard to—

(a) the rental value of lands used for similar purposes in the locality;

(b) the profits of agriculture in the case of similar lands in the locality;

(c) the price of crops and commodities in the locality;

(d) the improvements, if any, made to the land by the land-owner or the tenant;

(e) the land revenue payable in respect of the land; and

(f) any other factor which may be prescribed.

(4) Where the reasonable rent for any land has been determined under this section, it shall not be altered for a period of five years except on any of the following grounds, namely :—

(a) that the quality of the land has deteriorated by natural causes;

(b) that there has been an increase in the produce of the land on account of improvements made to it at the expense of the land-owner;

(c) that the extent of the land has been altered by more than one hundred square metres by diluvion;

(d) that the land has been partially or wholly rendered unfit for cultivation.

(5) Notwithstanding anything contained in sub-sections (1) to (4), the Administrator may direct the determination of the reasonable rent of lands in any specified area.

Commutation of rent payable in kind.

107. (1) In any case in which rent is payable in kind, the land-owner or the tenant may apply in writing to the competent authority in the prescribed form and manner, for commuting the rent into money rent.

(2) On receipt of such application, the competent authority shall, after giving notice to the other party, determine the money rent payable for the land in accordance with the following provisions but not exceeding the maximum rent specified in section 104.

(3) In determining the money rent, regard shall be had to—

(a) the average money rent payable by a tenant for land of similar description and with similar advantages in the vicinity;

(b) the average value of the rent for the land actually received by the land-owner during the three years preceding the date of application;

(c) the average price of crops and commodities in the locality during the three years preceding the date of application;

(d) the improvements, if any, made to the land by the land-owner or the tenant; and

(e) any other factor which may be prescribed.

Receipt for payment of rent.

108. Every land-owner shall give or cause to be given a receipt for the rent received by him or on his behalf in such form as may be prescribed, duly signed by him or his authorised agent.

Refund of rent recovered in excess.

109. If any land-owner recovers from a tenant or kudiyan rent in excess of the amount due under this Regulation, he shall forthwith refund the excess amount so recovered and shall also be liable to punishment as provided in this Regulation.

Suspension or remission of rent.

110. (1) Where a land-owner has obtained from, or been granted by, the Administrator any relief by way of suspension or remission, whether in whole or in part, of the land revenue payable in respect of his land, he shall be bound to give, and the tenant concerned shall be entitled to receive from the land-owner, a corresponding or proportionate relief by way of suspension or remission of rent payable in respect of such land.

(2) The nature and extent of the relief which a land-owner is bound to give and which the tenant is entitled to receive under sub-section (1) shall be determined in accordance with the rules made under this Regulation.

(3) No suit shall lie and no decree of a civil court shall be executed for the recovery by a land-owner of any rent the payment of which has been remitted, or during the period f which the payment of such rent has been suspended, under this section.

(4) The period during which the payment of rent is suspended under this section shall be excluded in computing the period of limitation for any suit or proceeding for the recovery of such rent.

(5) If any land-owner fails to suspend or remit the payment of rent as provided in sub-section (1), he shall be liable to refund to the tenant the amount recovered by him in contravention of the provisions of this section and shall also be liable to punishment as provided in this Regulation.

CHAPTER XII

GENERAL AND MISCELLANEOUS

Recovery of amounts due as arrears of land revenue.

111. Without prejudice to any other provision of this Regulation, any amount due to the Government, whether by way of costs, penalty or otherwise, and any other amount which is ordered to be paid to or recovered by the Government, under this Regulation shall be recoverable in the same manner as an arrear of land revenue.

Jurisdiction of civil courts excluded.

112. No suit or other proceeding shall, unless otherwise expressly provided in this Regulation, lie or be instituted in any civil court with respect to any matter arising under and provided for by this Regulation :

Provided that if in a dispute between parties other than Government a question of title is involved, a civil suit may be brought for the adjudication of such question.

Court-fees.

113. Notwithstanding anything contained in the Court-fees Act, 1870, or any other law relating to the levy of court-fees in force in the Islands, every application, appeal or other proceeding under this Regulation shall bear a court-fee stamp of such value as may be prescribed. 7 of 1870.

Revenue officers to be public servants.

114. Every revenue officer appointed under this Regulation shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

Power to exempt.

115. With the previous approval of the Government, the Administrator may, by notification in the Official Gazette, exempt any class of lands from all or any of the provisions of this Regulation.

General provision as to penalties.

116. Whoever contravenes any provision of this Regulation for which no penalty has been otherwise provided for therein shall be punishable with fine which may extend to five hundred rupees.

Protection of action taken in good faith.

117. No suit, prosecution or other proceeding shall lie—

(*a*) against any officer of the Government for anything in good faith done or intended to be done under this Regulation;

(*b*) against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by anything in good faith done or intended to be done under this Regulation.

Delegation of powers.

118. The Administrator may, by notification in the Official Gazette and subject to such restrictions and conditions as may be specified therein, delegate to any officer or authority subordinate to him any of the powers conferred on him or on any officer subordinate to him by this Regulation, other than the power to make rules.

Power to remove difficulties.

119. If any difficulty arises in giving effect to any provision of this Regulation, the Government may, as occasion requires, take any action not inconsistent with the provisions of this Regulation which may appear to it necessary for the purpose of removing the difficulty.

Exclusion of the monsoon period from the period of limitation.

36 of 1963.

120. Notwithstanding anything contained in the Indian Limitation Act, 1963 or any other law for the time being in force in the Islands or in this Regulation, if any period of limitation prescribed by the said Act or by such law or by this Regulation for any suit, appeal or application expires on any day during the monsoon period, then in computing the period of limitation for such suit, appeal or application, the period to the extent it has fallen within the monsoon period, shall be excluded.

Power to make rules.

121. (*1*) The Administrator may, by notification in the Official Gazette, make rules for carrying out the purposes of this Regulation.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the manner of appointment of revenue officers and settlement officers, and other officers, their powers and duties, the official seals, if any, to be used by them and the size and description of the seals;

(*b*) the Collector's powers of superintendence and control over other officers;

(*c*) the officers who should hear and decide disputes regarding rights in or over any property claimed by or against the Government and the procedure to be followed by them;

(*d*) the disposal of pandaram lands by assignment or grant to individuals and the terms and conditions subject to which such assignments or grants may be made;

(*e*) the preservation and disposal of trees, brushwood, jungle and other natural products vesting in Government and the recovery of the value of trees or other natural products unauthorisedly appropriated by persons;

(*f*) the procedure for summary eviction of trespassers on pandaram land;

(*g*) the alteration and revision of the land revenue in cases of diluvion or of diversion of land for purposes other than agriculture;

(*h*) the grant of permission to use agricultural land for non-agricultural purposes;

(*i*) the determination of additional assessment for improvement;

(*j*) the circumstances in which remission or suspension of revenue may be made and the rate of such remission or suspension;

(*k*) the form of receipt for payment of land revenue;

(*l*) the conduct of settlements of land revenue;

(*m*) the manner of estimating the cost of cultivation and other expenses in relation to inquiry into profits of agriculture;

(*n*) the statistical, fiscal and other records and registers to be prepared and maintained under this Regulation;

(*o*) the division of areas into units for determining the revenue-rates and the preparation of the table of revenue-rates;

(*p*) the preparation and the preliminary and final publication of the record of rights and the table of revenue-rates;

(*q*) the hearing and disposal of objections to any entry or omission in the table of revenue-rates, the record of rights, and the register of mutations;

(*r*) the manner and extent of alteration or revision of revenue-rates during the term of settlement;

(*s*) the correction of *bona fide* errors and mistakes in the revenue records, registers and maps prepared under this Regulation;

(*t*) the manner in which the average yield of crops of land may be ascertained;

(*u*) the manner of holding inquiries by revenue officers under this Regulation;

5 of 1908. (*v*) the application of the provisions of the Code of Civil Procedure, 1908, to cases and proceedings before a revenue court;

(*w*) the form of summons and other processes, notices, orders and proclamations to be issued or made by revenue officers and the manner of their service;

(*x*) the procedure for the attachment and sale of property and the confirmation and the setting aside of sales of immovable property;

(*y*) the manner of publication of notices and proclamations of attachment and sale of property;

(*z*) the manner in which the cost and expenses incidental to the attachment and sale of property shall be determined;

(*za*) the manner of payment, deposit and of the purchase [illegible] of property [illegible] of [illegible]

(*zg*) the form of applications to be made under this Regulation, the authorities to whom they may be made and the procedure to be followed by such authorities in disposing of the applications;

(*zh*) the determination of the value of the produce of land, the profits of agriculture, and the rental values of land;

(*zi*) the time and manner of payment of rent by the tenant;

(*zj*) the form of receipt for rent to be given by the land-owner;

(*zk*) the factors to be taken into account in determining reasonable rent for land and in commuting rent in kind into money rent;

(*zl*) the nature and the extent of relief to the tenant in cases of suspension or remission of land revenue by the Government;

(*zm*) the determination of compensation for improvements to tenants who are evicted from land;

(*zn*) the grant of permission to surrender land;

(*zo*) the determinatio[n] of the amount of compe[nsation] able to the land-owner in respect of the non-resumable lands of tenants;

Regulation to over-ride custom or usage.

122. Any custom or usage prevailing at the time any provision of this Regulation is brought into force in any area in the Islands and having the force of law therein shall, if such custom or usage is repugnant to, or inconsistent with, such provision, cease to be operative to the extent of such repugnancy or inconsistency.

S. RADHAKRISHNAN,
President.

R. C. S. SARKAR,
Secy. to the Govt. of India.

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